

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, AUGUST 17, 2015**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:04 p.m. on Monday, August 17, 2015, with Councillor Lewis presiding.

Councillor Sandlin led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 ABSENT:*

A quorum of twenty-nine members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor McQuillen recognized Mayor Greg Ballard. Councillors Mansfield and Adamson recognized supporters of Animal Care and Control. Councillor Oliver recognized David Lawrence, Arts Council of Indianapolis. Councillor Sandlin recognized Interim Director of the Department of Public Safety, David Wantz. Councillor Robinson recognized Indianapolis Fire Department (IFD) chief Ernest Malone.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 17, 2015, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Maggie A. Lewis  
President, City-County Council

July 23, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, July 29, 2015 a copy of a Notice of Public Hearing on Proposal Nos. 211, 212, 219, 220 and 238, 2015, said hearing to be held on Monday, August 17, 2015, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/NaTrina DeBow  
Clerk of the City-County Council

July 25, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 25, 2015 – appropriates \$1,500,000 and transfers appropriation between characters in the 2015 Budget of the Marion County Information Services Agency, for covering the costs associated with enterprise-wide network infrastructure improvements

FISCAL ORDINANCE NO. 26, 2015 – appropriates and transfers a total of \$1,825,000 in the 2015 Budget of the Marion Superior Court (County General Fund, Guardian Ad Litem Fund, Commissioner & Guardian Ad Litem Fund) to cover court appointed special advocate contractual services provided by Child Advocates, Inc

FISCAL ORDINANCE NO. 27, 2015 – appropriates \$104,000 (County General Fund) in the 2015 Budget of the Marion County Public Defender Agency to hire additional staff for the TPR/CHINS Division to cover an increase in case filings. The appropriation will be offset by a forty percent reimbursement from the Indiana Public Defender Commission

FISCAL ORDINANCE NO. 28, 2015 – transfers a total of \$50,000 in the 2015 Budget of the Office of Finance and Management (Public Safety Income Tax Fund) to cover costs related to public safety test supplies for interview and assessment process for entry-level applicants

GENERAL ORDINANCE NO. 33, 2015 – amends the Code for vacant building standards regarding homes with a foreclosure complaint filed against them

GENERAL ORDINANCE NO. 34, 2015 – amends the Revised Code to establish a regional development authority

GENERAL ORDINANCE NO. 35, 2015 – authorizes intersection controls at Barlum and Meadowbrook Drives (District 3)

*August 17, 2015*

GENERAL ORDINANCE NO. 36, 2015 – authorizes parking restrictions on East 54th Street (District 3)

GENERAL ORDINANCE NO. 37, 2015 – authorizes intersection controls at Northview and Guilford Avenue (District 3)

GENERAL ORDINANCE NO. 38, 2015 – authorizes intersection controls at Carrollton and Guilford Avenues and Forest Lane and Winthrop Avenue (District 3)

GENERAL ORDINANCE NO. 39, 2015 – authorizes intersection controls at Rosslyn Avenue and 61st Street (District 3)

GENERAL ORDINANCE NO. 40, 2015 – authorizes parking restrictions on East St. Clair Street from Pennsylvania Street to Park Avenue (Districts 9 and 15)

GENERAL ORDINANCE NO. 41, 2015 – authorizes intersection controls at Sunset Ridge Parkway, Moonstruck Parkway and Moonstruck Court (District 25)

GENERAL ORDINANCE NO. 42, 2015 – authorizes intersection controls at Ashland Pointe Place and Thompson Road, at Ashland Pointe Drive and Five Points Road, Cedar Mill Lane and Ashland Pointe Place and at Cedar Mill Way and Skipping Stone Drive (District 25)

GENERAL ORDINANCE NO. 43, 2015 – authorizes intersection controls at Shakamak Drive and Thompson Road and at Shakamak Court and Shakamak Drive and Shakamak Way (District 25)

GENERAL ORDINANCE NO. 44, 2015 – amends the Code by adding a new article regarding the Reuben Engagement Center

GENERAL RESOLUTION NO. 11, 2015 – approves the statement of benefits for American Bottling Company to allow tax abatement for property located in an economic revitalization area

SPECIAL RESOLUTION NO. 32, 2015 – honors Kylee Nelson for being a 2015 recipient of the Gates Millennium Scholarship

SPECIAL RESOLUTION NO. 33, 2015 – honors Irving Salinas for being a 2015 recipient of the Gates Millennium Scholarship

SPECIAL RESOLUTION NO. 34, 2015 – honors Rick Neal for assisting in saving the life of a co-worker

SPECIAL RESOLUTION NO. 35, 2015 – honors Dr. Melvin B. Girton, Sr. on his many years of service to Christ Missionary Baptist Church

SPECIAL RESOLUTION NO. 36, 2015 - honors Rosie Ellis and the Southside Animal Shelter

s/Gregory A. Ballard, Mayor

The President recognized the Honorable Gregory A. Ballard, Mayor, who shared the following remarks:

Good evening.

Council President Lewis, members of the City-County Council, and residents of Indianapolis who are here this evening or watching at home,

It is my distinct honor to present the 2016 Budget for the Consolidated City of Indianapolis, Marion County.

In this proposal, and for the 8<sup>th</sup> consecutive year, you will find a budget that responsibly honors our commitment to fund the critical functions of municipal government in one of our nation's largest and most successful cities.

Combined with paying down roughly 60% of the city's General Obligation Debt, and going from \$680 million in variable rate debt in 2008 to zero variable rate debt today, it will ensure that Indianapolis remains one of the largest cities in America to hold a triple-A rating from the major ratings agencies.

As this will be the last budget I will present to you, I am proposing a flexible "maintenance" budget that funds essential services, continues investment in early childhood education, supports public safety, and funds critical infrastructure.

we've had to make some tough choices along the way. Tough choices will always be part of living within our means even as revenues begin to increase. But living within our means is what taxpayers deserve.

Living within our means has enabled us to strengthen neighborhoods and grow our city's economy. We have considered the impact of our decisions 10,20,30 years down the road. And our city is thriving because of that fiscal discipline.

The 2016 budget maintains our city's strong fiscal position and supports a holistic approach to making Indianapolis a safer place to live, work and raise a family.

Most importantly, this budget, combined with our 8-year effort to streamline operations, pay down general obligation debt and completely pay off variable rate debt, positions the next Mayor and the next Council to be able to set their priorities and govern effectively.

I welcome your review.

And I want to thank those of you who have worked with my administration over the course of the last 8 years to serve all who call Indianapolis home.

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of July 13, 2015. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 163, 2015. Councillor Oliver reported that the Parks and Recreation Committee heard Proposal No. 163, 2015 on July 16, 2015. The proposal, sponsored by Councillors Oliver, Lewis, Barth and Gray, reappoints Joshua Bowling to the Board of Parks and Recreation. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Oliver moved, seconded by Councillor Adamson, for adoption. Proposal No. 163, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 163, 2015 was retitled COUNCIL RESOLUTION NO. 45, 2015, and reads as follows:

#### **CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2015**

A COUNCIL RESOLUTION reappointing Joshua Bowling to the Board of Parks and Recreation.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

August 17, 2015

SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Joshua Bowling

SECTION 2. The reappointment made by this resolution is for a term ending December 31, 2015. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 175, 2015. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 175, 2015 on June 24, 2015. The proposal, sponsored by Councillors Lewis, Barth and Gray, reappoints Camille Blunt to the Indianapolis-Marion County Public Library Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Oliver, for adoption. Proposal No. 175, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 175, 2015 was retitled COUNCIL RESOLUTION NO. 46, 2015, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2015

A COUNCIL RESOLUTION reappointing Camille Blunt to the Indianapolis-Marion County Public Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Public Library Board, the Council appoints:

Camille Blunt

SECTION 2. The appointment made by this resolution is for a term ending May 31, 2019 pursuant to IC 36-12-2-16. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

PROPOSAL NO. 234, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 234, 2015 on July 27, 2015. The proposal, sponsored by Councillors Lewis, Adamson, Barth, Mascari, Jackson, Hickman, Moriarty Adams, Robinson, Gray, Clay, Oliver and Tew. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Robinson asked supporters of the proposal in the audience to stand.

Councillor Miller said that he has struggled over this vote, as there is a horrendous discrepancy in wages across this country and it is a shame they cannot find a way to raise the minimum wage. He said that they need to do something, because people should not be working 40 hours and still feel they get more from a welfare check. He said that he applauds the issue this has brought up and hopes it is the beginning of a longer discussion. However, this proposal does not actually do anything and there is so much more work to do. He said that he wishes they had taken time to work in a bipartisan fashion on this issue, as he did not even know about it until it was introduced, and then he was glad to see it go to committee for further vetting. He applauded

Kroger as a good actor and said that he will sit down with the Indianapolis Chamber of Commerce tomorrow and is committed to doing what he can to see real change in this area, but cannot support this proposal on the principle that it really does not do anything and gives false hope.

Councillor Robinson moved, seconded by Councillor Tew, for adoption. Proposal No. 234, 2015 was adopted on the following roll call vote; viz:

*15 YEAS: Adamson, Barth, Clay, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew*

*14 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve*

Councillors Hunter and McHenry asked for consent to explain their votes. Consent was given. Councillor Hunter said that this sets a dangerous precedent, because by passing this, constituents are under the impression that this carries the weight of law, but it does not. Even the media thought that what the Council was acting on this evening carried the weight of law and reported such. This sets a bad precedent. Councillor McHenry agreed and said that this is just a recommendation and carries no weight, but it also assumes that all part-time employees want to be full-time, but there are individuals who want only part-time work and there are some positions, such as seasonal jobs, that cannot be full-time positions.

Proposal No. 234, 2015 was retitled SPECIAL RESOLUTION NO. 37, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2015

A SPECIAL RESOLUTION recognizing the Indianapolis Retail Workers Bill of Rights.

WHEREAS, many of the country's largest employers are in the retail sector, which is an important employer of women and minorities; and

WHEREAS, decent retail jobs are critical to helping rebuild local economies, and Indianapolis includes some of the most profitable corporations in the world; and

WHEREAS, the retail sector has continued to add jobs to the U.S. economy, but many of these positions are low-wage, part-time jobs with few benefits, as well as unstable scheduling practices and as a result, many retail workers in Indianapolis are struggling; and

WHEREAS, raising the minimum wage is not enough to lift retail workers in Indianapolis out of poverty when they do not have access to full-time employment, stable work schedules, and other workplace protections; and no one who works in retail should be forced to rely on government assistance programs because they are not paid enough or do not have access to enough hours to make ends meet; and

WHEREAS, retail workers in Indianapolis often face resistance from their employers when workers attempt to come together as a group to resolve workplace issues; and

WHEREAS, the City of Indianapolis has the potential to become a model city in the nation through improving the quality of jobs in the retail sector and creating new labor policies that can be replicated nationwide; and

WHEREAS, the Steering Committee of the Lift Retail Jobs Campaign proclaims this Indianapolis Retail Workers Bill of Rights as a basic common standard of achievement for all retail workers in the City of Indianapolis to the end that all stakeholders, including but not limited to large retail employers, small businesses, elected officials, clergy, labor, thought leaders, consumers, community and civil rights groups, keeping this Indianapolis Retail Workers Bill of Rights in mind, shall promote and respect these rights, and secure their effective recognition and observance, both in the course of their operations and throughout the City of Indianapolis:

August 17, 2015

ARTICLE I

Every retail worker who wants to work full-time should have access to full-time hours.

ARTICLE II

All retail workers should have stable schedules posted weeks in advance, so scheduled hours do not hamper their ability to juggle life's demands, such as child care, school, a second job or medical needs, and prevent them from climbing the economic ladder.

ARTICLE III

Every retail worker, regardless of the number of hours worked, should have access to health care benefits and sick leave.

ARTICLE IV

No retail worker should be denied the protection afforded to other retail workers because of their gender identity or sexual orientation.

ARTICLE V

Every retail worker, regardless of the employer, is entitled to job and benefit protections in the event of a corporate takeover.

ARTICLE VI

Every retail worker should have access to affordable health care.

ARTICLE VII

No retail worker shall be put in a position that does not guarantee workplace safety and other health protections.

ARTICLE VIII

No retail worker shall be coerced, intimidated or silenced because they exercise their right to freedom of association.

ARTICLE IX

Every retail worker is entitled to join together with coworkers to address any work-related concerns without any interference from the employer; now; therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the Indianapolis Retail Workers Bill of Rights.

SECTION 2. The Council encourages the retail sector to promote the Bill to improve the quality of life for retail workers in the Indianapolis community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 235, 2015. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 235, 2015 on August 11, 2015. The proposal, sponsored by Councillors Osili, Simpson, Gray, Robinson and Miller, urges the Indiana General Assembly to empower First Class cities to provide uniform special real property tax provisions granting longtime residential owner-occupants relief from rapid increases in property taxes due to rapid increases in market value as a consequence of new construction or the refurbishing or renovating of other residences of surrounding properties in areas of deteriorated, vacant or abandoned homes and properties. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Miller said that he is ecstatic about this proposal, and although he realizes they may have opened Pandora's box, this is a formula-driven way to look at areas and see real sales

values. He thanked Councillor Osili for his work on championing this effort and while it still needs State legislation, this is vital to neighborhoods.

Councillor Osili said that it is important for the city to have tools to mitigate circumstances like these with some residents seeing more than a four-fold increase in property values. The shock of this escalation creates unsustainable challenges, making homeowners give up their homes. The County does not currently have the tools to provide tax abatement for this type of challenge, and this action has the support of County Commissioners and some State legislators.

Councillor Lutz said that this is a good idea, but he is concerned about recapturing the property tax in an instance where a resident gets the abatement and then sells the property to get the benefit. He said that he will support it, but thinks it needs some provisions to recapture that tax in such an instance.

Councillor Freeman said that he always votes against legislation that begins with urging the General Assembly to do something. He said that this is not the Council's purview, and they need to concentrate on those things they do have responsibility for. These types of resolutions only give people false hope and there is no meat to them. He said that they all have a legislator, and they need to start picking up the phone and asking them to take up a cause, because if it is a good cause, they most likely will listen.

Councillor Osili said that he has great legislators who have agreed to take up this issue, and there is meat to this proposal.

Councillor Barth moved, seconded by Councillor Oliver, for adoption. Proposal No. 235, 2015 was adopted on the following roll call vote; viz:

*20 YEAS: Adamson, Barth, Clay, Evans, Gray, Hickman, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Simpson, Tew*  
*9 NAYS: Cain, Freeman, Gooden, Holliday, Hunter, McQuillen, Sandlin, Scales, Shreve*

Proposal No. 235, 2015 was retitled SPECIAL RESOLUTION NO. 38, 2015, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2015**

A SPECIAL RESOLUTION urging the Indiana General Assembly to empower First Class cities to provide uniform special real property tax provisions granting longtime residential owner-occupants relief from rapid increases in property taxes due to rapid increases in market value as a consequence of new construction or the refurbishing or renovating of other residences of surrounding properties in areas of deteriorated, vacant or abandoned homes and properties.

WHEREAS, the City of Indianapolis has focused its attention and resources on revitalizing long-established residential neighborhoods which have experienced deterioration and have a significant amount of vacant or abandoned homes and properties; and

WHEREAS, many longtime owners of principal residences in long-established residential neighborhoods which have experienced growing numbers of vacant and abandoned homes around them have stayed in and maintained their homes and thereby maintained the history and dignity of these long-established residential neighborhoods; and

WHEREAS, the success of the City of Indianapolis' focused attention and investment has made many long-established residential neighborhoods which have experienced abandonment and vacancy more desirable for new homeowners to refurbish existing vacant and abandoned homes or construct new ones; and



*August 17, 2015*

WHEREAS, the proximity of many of these long-established residential neighborhoods which have experienced growing numbers of vacant and abandoned homes to areas of successful commerce, healthcare, higher education and research will continue to invite further interest and investment; and

WHEREAS, continued investment in long-established residential neighborhoods which have experienced growing numbers of vacant and abandoned homes will raise the values of all surrounding properties in those neighborhoods and subsequently raise the property taxes levied; and

WHEREAS, the affordability of these long-established residential neighborhoods which have experienced growing numbers of vacant and abandoned homes for the longtime owner occupant may be lost with the inevitable raising of property taxes due to the increase in property values generated by renewed interest and investment in these neighborhoods; and

WHEREAS, many longtime owner occupants may lose the affordability which has allowed them to remain in their homes during the period of growing abandonment and vacancy may be unable to cope with the potential rise in property taxes due to increasing values of surrounding properties; and

WHEREAS, the City does not have within its powers granted by the state the ability to provide needed economic relief for these longtime owner occupants to remain in their homes as property values and subsequent property taxes rapidly escalate; now, therefore;

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1: The Indianapolis City-County Council urges the Indiana General Assembly to grant authority to the governing body of a city of the First Class to have the power to provide, by ordinance or resolution, for uniform special real property tax provisions granting longtime owner-occupants, in long- established residential areas or areas of deteriorated, vacant or abandoned homes and properties, a deduction in the payment of that portion of an increase of real property taxes which is due to an increase in the market value of the real property as a consequence of the refurbishing or renovating of other residences or the construction of new residences in those long- established residential areas or areas of deteriorated, vacant or abandoned homes and properties.

SECTION 2: The Council further urges the Indiana General Assembly to grant authority to the governing body of a city of the First Class to enact ordinances or resolutions which provide for the designation of areas eligible for the special real property tax provisions pursuant to this act. Before enacting an ordinance or resolution which proposes designating such an area, the legislative body shall conduct a public hearing on the proposed ordinance or resolution;

SECTION 3. The Council directs the Clerk to send of a copy of this resolution to the Governor of Indiana, Speaker of the House, President Pro Tempore of the Senate, Assembly members representing districts in Indianapolis and other legislative leaders as deemed appropriate.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 247, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the restatement of the Marion County Sheriff's Department Personnel Retirement Plan to incorporate three prior amendments and to amend the Plan to comply with recent federal legislation "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 248, 2015. Introduced by Councillors Adamson, Cain, Hickman, McQuillen, Miller, Oliver, Osili and Scales. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of notes by the Metropolitan Development Commission as part of the HUD Section 108 Loan Guarantee Program to support the Meadows Community Foundation Retail Center"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 249, 2015. Introduced by Councillors Adamson and Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to create the Woodruff Place Economic Improvement District"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 250, 2015. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction on North Audubon Road between East Pleasant Run Parkway South Drive and East Michigan Road (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 251, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction on South Elizabeth Street between Southeastern Avenue and East Troy Avenue (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 252, 2015. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Crown Street, from Hampton Drive to 44th Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 253, 2015. Introduced by Councillor Freeman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction on South Post Road near the I-74 ramp system (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 254, 2015. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Ritter Avenue from Pleasant Run Parkway South Drive to Bonna Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 255, 2015. Introduced by Councillors Oliver, Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 10th Street from Emerson Avenue to Arlington Avenue (Districts 10, 17 and 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 256, 2015. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on North Hague Road (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 257, 2015. Introduced by Councillor Sandlin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls on East County Line Road (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 258, 2015. Introduced by Councillors Miller and McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code regarding parking meter funds usage to align with state law"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 259, 2015. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to prohibit the purchase,

sale and possession of replica firearm mobile phone cases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 260, 2015. Introduced by Councillors Hunter and Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to create a new non-reverting police infrastructure improvement fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 261, 2015. Introduced by Councillors Lewis and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to create a new non-reverting police cruiser fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 262, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a P.S.S.D.F.O. which approves the tax levy and rate for the Police Special Service District for 2016"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 263, 2015. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a F.S.S.D.F.O. which approves the tax levy and rate for the Fire Special Service District for 2016"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 264, 2015. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a S.W.C.S.S.D.F.O. which approves the tax levy and rate for the Solid Waste Collection Special Service District for 2016"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 265, 2015. Introduced by Councillors Lewis, Barth and McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the City of Indianapolis and Marion County for 2016"; and the President referred it to the Various Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 266, 2015, PROPOSAL NO. 267, 2015, PROPOSAL NO. 268, 2015, PROPOSAL NO. 269, 2015, PROPOSAL NOS. 270-272, 2015 AND PROPOSAL NOS. 273-277, 2015. Introduced by Councillor Robinson. Proposal No. 266, 2015, Proposal No. 267, 2015, Proposal No. 268, 2015, Proposal No. 269, 2015, Proposal Nos. 270-272, 201 and Proposal Nos. 273-277, 2015 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 6 and 7, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 56-67, 2015, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 56, 2015.  
2015-ZON-028  
1112 West Hanna Avenue (Approximate Address)  
Perry Township, CD #22

Devinderpal Singh Nagra and Sharanjit Kaur Nagra, by John Nierzwicki request Rezoning of 10 acres, from the D-3 (FF) District, to the I-2-S (FF) classification to provide for an industrial rail park.

REZONING ORDINANCE NO. 57, 2015.

2015-ZON-019

5536 WEST 52ND STREET (APPROXIMATE ADDRESS)

PIKE TOWNSHIP, CD #7

SHAHZAD RAZI, by David Kingen and Justin Kingen request Rezoning of one acre from the C-5 district to the C-3C classification.

REZONING ORDINANCE NO. 58, 2015.

2014-CZN-839

1507, 1509, 1513 SOUTH WORTH AVENUE AND 5700 WEST MINNESOTA STREET

WAYNE TOWNSHIP, CD #22

CCH INVESTMENTS, LLC, by Jessica Findley requests Rezoning of 0.61 acre from the D-3 and C-1 districts to the I-3-U classification to provide for outside storage.

REZONING ORDINANCE NO. 59, 2015.

2014-ZON-066

632 DR. MARTIN LUTHER KING JR. STREET (Approximate Address)

Center Township, Council District #15

George Green, by Timothy E. Ochs requests Rezoning of 0.58 acre from the C-S (RC) district to the CBD-S (RC) classification to provide for a maximum five-story, 40,000-square foot, 30-unit multi-family building, with 28 parking spaces.

REZONING ORDINANCE NO. 60, 2015.

2015-ZON-016

42 NORTH WHITE RIVER PARKWAY AND 1447 WEST MARKET STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #15

INDIANAPOLIS ZOOLOGICAL SOCIETY, INC., by Mindy Westrick and Roger Kilmer requests Rezoning of 2.237 acres, from the D-8 (RC) (W-5), C-7 (RC) (W-5) and I-4-U (RC) (W-5) districts to the CBD-S (RC) (W-5) classification to provide for uses related to the Indianapolis Zoo.

REZONING ORDINANCE NO. 61, 2015.

2015-ZON-039

4417 NORTHEASTERN AVENUE (APPROXIMATE ADDRESS)

FRANKLIN TOWNSHIP, CD #25

ALLIED APPLIANCES, LLC, by David A. Retherford requests Rezoning of 0.58 acre from D-2 to the C-4 district.

REZONING ORDINANCE NO. 62, 2015.

2015-ZON-041

7931, 7933 AND 7937 WEST 10<sup>TH</sup> STREET (APPROXIMATE ADDRESS)

WAYNE TOWNSHIP, CD #13

HARPAUL SINGH CHEEMA, by Chris Horton requests Rezoning of 7.81 acres from the C-4 and SU-43 Districts to the C-ID classification to provide for an office and truck maintenance facility.

REZONING ORDINANCE NO. 63, 2015.

2015-ZON-038

5450 LAFAYETTE ROAD (APPROXIMATE ADDRESS)

PIKE TOWNSHIP, COUNCIL DISTRICT #7

ROGER HEIR requests Rezoning of 1.29 acres from the C-1 district to the C-3C classification.

REZONING ORDINANCE NO. 64, 2015.

2015-ZON-043

1447 WEST TROY AVENUE (APPROXIMATE ADDRESS)

PERRY TOWNSHIP, CD #22

LOWELL SMITH, by Carlos Pedrazza request Rezoning of 1.6 acres from the C-5 (FF) district to the I-3-U (FF) classification to provide for a truck storage and maintenance facility.

REZONING ORDINANCE NO. 65, 2015.

2015-ZON-044

2102 CENTRAL AVENUE

CENTER TOWNSHIP, CD #9

FREEDOM ACADEMY C/O LANDMARK INTEGRITY GROUP, INC. by Sanford E. Garner requests Rezoning of 0.674-acre from the C-3 District to the SU-1 Classification.

REZONING ORDINANCE NO. 66, 2015.

2015-ZON-045

1621 NORTH NEW JERSEY STREET

CENTER TOWNSHIP, CD #9

JONATHON BROWN C/O WALDO INVESTMENTS, LLC, by Sanford E. Garner requests Rezoning of 0.193-acre from the C-4 District to the D-8 Classification

REZONING ORDINANCE NO. 67, 2015.

2015-ZON-047

8275 AND 8301 CRAIG STREET (APPROXIMATE ADDRESS)

LAWRENCE TOWNSHIP, CD #5

BARTLETT RESERVE INDY, LLC, by Thomas Michael Quinn requests Rezoning of 5.89 acres from the C-4 and C-S (FF) District to the C-S (FF) classification to replace the existing C-S standards and commitments in order to provide for a 100-unit senior housing, independent living, and assisted living facility.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 123, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 19, 340 South White River Parkway, West Drive (2014-CZN-835). The proposal was called out for public hearing on May 11, 2015 by Councillor Miller and then postponed by the Council on May 11, June 8, and July 13, 2015.

Councillor Miller made the following motion:

Madam President:

The petitioners continue to negotiate a resolution of the rezoning case at 340 South White River Parkway, West Drive, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835) be postponed and rescheduled for September 14, 2015.

Councillor Adamson seconded the motion, and Proposal No. 123, 2015 was postponed until September 14, 2015 by a unanimous voice vote.

PROPOSAL NO. 212, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 212, 2015 on July 27, 2015. The proposal, sponsored by Councillor Lewis, appropriates \$80,000 in the 2015 Budget of the Department of Metropolitan Development (CRED Fund) for revitalization and economic development in the Lafayette Square district. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Robinson moved, seconded by Councillor Barth, for adoption. Proposal No. 212, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 212, 2015 was retitled FISCAL ORDINANCE NO. 30, 2015, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2015

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2015 (City-County Fiscal Ordinance No. 258, 2014) appropriates an additional Eighty Thousand dollars (\$80,000) for purposes of the Department of Metropolitan Development.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2015 is hereby amended to reflect additional appropriations hereinafter stated for purposes of the Department of Metropolitan Development.

SECTION 2. Appropriates \$80,000 from the International Marketplace Community Revitalization Enhancement District for the purposes of revitalizing the Lafayette Square district.

The following additional appropriation is hereby approved:

<b>FUND</b>	<b>CHAR 1</b>	<b>CHAR 2</b>	<b>CHAR 3</b>	<b>CHAR 4</b>	<b>CHAR 5</b>	<b>TOTAL</b>
International Community Revitalization Enhancement District (CRED) Fund (15312)	0	0	80,000	0	0	80,000

SECTION 3. Upon approval of this, and other pending approvals, the 2014 year end and projected 2015 year end fund balances are as follows:

<b>FUND</b>	Projected 2014 Year-End balance	Projected 2015 Year-End balance
International Community Revitalization Enhancement District (CRED) Fund (15312)	3,462,860	3,742,865

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 219, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 219, 2015 on July 22, 2015. The proposal, sponsored by Councillor Lewis, replaces the funding mechanism of Fiscal Ordinance No. 8, 2015 by appropriating \$4,700,000 in the 2015 Budget of the Department of Public Safety, IMPD (City Cumulative Capital Fund) and reducing the appropriation in the same amount from the IMPD General Fund. By a 9-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillors Simpson, Scales, Mascari, Jackson, Tew, Clay, Hickman, Moriarty Adams and Mansfield asked to be added as co-sponsors on the proposal.

Councillor Freeman said that this is not a matter of whether or not they should repay the Fiscal Stability Fund, but it is about the right way and the wrong way to do things, and this system works best when they follow the proper procedures. He said that this was not done the correct way, and the administration needs to stop doing things unilaterally. He said that the

administration can make the decision to buy \$74,000 cars, but cannot fund this, and that makes no sense.

Councillor Pfisterer said that she was the original sponsor on this proposal but asked to be removed because she is opposed to taking this money from the Fiscal Stability Fund. She said that she does, however, support the needs of the Indianapolis Metropolitan Police Department (IMPD).

Councillor Barth said that they originally negotiated taking funds from the Fiscal Stability Fund, and this was a discussion that took great care in partnership between the Mayor and the Council. The Council committed to that, but that is not how it happened. This amendment goes back to the true bi-partisan, fiscally sound proposal that was originally agreed upon.

Councillor Sandlin said that he was not involved in the negotiations Councillor Barth is referring to, but he attended the committee hearing, where they agreed to appropriate money out of this fund for the training class in 2014. At that time they asked the controller to look at fund balances and repay that money, and they anticipated that would happen. He understands the aggravation with expenditures, but he would like to see the Fiscal Stability Fund paid back to help with checks and balances. He is not opposed to spending money for IMPD, and would not oppose taking a loan with promises to repay it, but they have not lived by the promise regarding the Fiscal Stability Fund. He said that he will support this proposal this evening, but it is important that they pay that money back and set up some additional reserve funds. He said that he serves on the Audit Committee, and revenues are not growing to support operations, and spending all those fund balances will put the city in bad shape.

The President called for public testimony at 7:54 p.m.

Rick Snyder, president of the Fraternal Order of Police (FOP), said that funding priorities were established when the original Proposal No. 47, 2015 was introduced. In those discussions they agreed to substantial life-safety issues for public servants with regard to vehicles and repairs at the firing range. He said that tomorrow a substantial number of new recruit officers will be at that range completing their training, and it is unsafe. They need to send a message to the Mayor that this is a priority. He added that they could make a \$2 million repayment to the Fiscal Stability Fund with these same funds and he asked for their support.

Councillor Oliver asked what Mr. Snyder means about the firing range being unsafe. Mr. Snyder said that a 2013 engineering report on that facility identified life-safety issues at that time, and it has only gotten worse.

Ethan Evans, Indy Ten Point Coalition, said that patrol cars should be upgraded and police safety is definitely a concern at the firing range, but some funding should go toward dash cams, as these are conspicuously absent in one of the biggest police forces in the country and have never even been suggested.

Councillor Miller said that it seems they have the answer right in front of them, if the FOP is willing to send \$2.2 million to the Fiscal Stability Fund and the Mayor would be willing to pay down that from the Cumulative Fund. He said that they could stop playing math games and fighting and find a solution by working together.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Gray, for adoption. Proposal No. 219, 2015 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Barth, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Robinson, Sandlin, Scales, Simpson, Tew  
4 NAYS: Cain, McQuillen, Pfisterer, Shreve

Proposal No. 219, 2015 was retitled FISCAL ORDINANCE NO. 31, 2015, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2015

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2015 (City-County Fiscal Ordinance No. 258, 2014) for purposes of the Department of Public Safety by instructing the Controller to make a transfer of \$6,800,000 from the Fiscal Stability Fund to the IMPD General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to Section 135-771 (b) of the Revised Code the Controller is hereby instructed to transfer \$6,800,000 from the Fiscal Stability Fund to the IMPD General Fund immediately upon passage of this ordinance.

SECTION 2. Upon approval of this, and other pending approvals, the 2014 year end and projected 2015 year end fund balances are as follows:

	Projected 2014 year-end balance	Projected 2015 year-end balance
Fiscal Stability Fund	65,200,000	71,200,000
IMPD General 15601	6,091,508	4,383,668

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 238, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 15, 1717 West 10th Street; 905-929 Miley Avenue (2015-CZN-810). The proposal was called out for public hearing on July 13, 2015 by Councillor Osili.

Councillor Osili made the following motion:

Madam President:

I am pleased to report that there are no remaining issues to resolve in the rezoning at 1717 West 10th Street and 905-929 Miley Avenue, in light of a memorandum of understanding signed by both the petitioner and remonstrators. Therefore, it will not be necessary to have a public hearing on this matter; and I move that Proposal No. 238, 2015 (Rezoning Case 2015-CZN-810) be adopted with the additional commitments that have been filed.

Councillor Adamson seconded the motion.

The President called for public testimony at 8:01 p.m. There being no one present to testify, Proposal No. 238, 2015 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
1 NAY: Tew



Proposal No. 238, 2015 is identified as follows:

REZONING ORDINANCE NO. 68, 2015.  
2015-CZN-810  
1717 West 10th Street; 905-929 (Odd) Miley Avenue (Approximate Address)  
Center Township, CD #15  
MECCA Holdings, LLC by Joseph Scimia and Roger Kilmer request Rezoning of 3.942 acres from the D-5 (RC) (W-1) and I-4-U (RC) (W-1) districts to the CBD-S (RC) (W-1) classification to provide for 248 multifamily dwelling units, a parking garage and off-street parking lots.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 65, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 65, 2015 on April 6 and 27, May 18, June 22 and July 27, 2015. The proposal, sponsored by Councillors Barth and Lewis, amends the Code to require utilities or their contractors to give notice to the department of public works at least 20 days before performing certain work in a public right-of-way in a residential area, and require the department of public works to post the notice at least 10 days before the work begins. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Freeman said that he supports the concept and asked if there is an exception due to weather, such as a tornado. Councillor Barth said that there are exceptions for weather.

Councillor Barth said that they are trying to provide a series of tools to help neighborhoods regarding the placement of utility poles, and this has been a long and difficult process.

Councillor Miller applauded Councillor Barth for working through this issue.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 65, 2015 was adopted on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*1 NOT VOTING: McQuillen*

Proposal No. 65, 2015 was retitled GENERAL ORDINANCE NO. 45, 2015, and reads as follows:

### **CITY-COUNTY GENERAL ORDINANCE NO. 45, 2015**

PROPOSAL FOR A GENERAL ORDINANCE amending Section 645-703 of the Revised Code of the Consolidated City and County to require utilities or their contractors to give notice to the department of public works at least 20 days before performing certain work in a public right-of-way in a residential area, and require the department of public works to post the notice at least 10 days before the work begins.

### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 645-703 of the "Revised Code of the Consolidated City and County" is hereby amended by adding a new subsection (c), to read as follows:

(c) Notice of work in public rights-of-way.

- 1) For purposes of this subsection, the terms “utility pole” and “wireless support structure” have the meaning set forth in House Enrolled Act 1318 (2015).
- 2) For purposes of this subsection, the term “residential area” shall mean any area zoned dwelling (zoning districts D-1, D-2, etc.) as set forth in the Indianapolis-Marion County zoning ordinance, as the same may hereafter be amended, replaced or recodified.
- 3) Except in an emergency where a failure to act immediately could lead to serious harm to public health or safety, at least 20 days before placing a new utility pole or wireless support structure in a public right-of-way in a residential area, a utility or its contractor shall give notice to the department of public works. The notice shall be made electronically through email to the department of public works or access to the website of the department of public works. The notice shall contain a brief description of the work to be done, the expected timing for the work, and a contact telephone number for those who have questions about the work. At least 10 days before the work begins, the department of public works shall post the notice on its public website.
- 4) The notice requirement contained in subsection (3) does not apply to the replacement, repair or improvement of an existing utility pole or wireless support structure.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 129, 2015. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 129, 2015 on April 29, June 17 and July 22, 2015. The proposal, sponsored by Councillors Moriarty Adams, Gray, Oliver and Simpson, amends Sec. 252 of the Code regarding the hiring, promoting and disciplining of firefighters and changing the provision for death leave for firefighters in the non-suppression division. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Lutz asked if the Chief of the Fire Service and the Firefighters Union is in agreement with this proposal. Councillor Moriarty Adams responded in the affirmative.

Councillor Moriarty Adams moved, seconded by Councillor Gray, for adoption. Proposal No. 129, 2015 was adopted on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*1 NOT VOTING: McQuillen*

Proposal No. 129, 2015 was retitled GENERAL ORDINANCE NO. 46, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to the hiring, promoting and disciplining of firefighters; and to change the provision for death leave for firefighters in the non-suppression division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 252-201 thru Section 252-208 of the "Revised Code of the Consolidated City and County," regarding Firefighters Merit System, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 252-201. Civilian fire merit board.**

(a) There is hereby established a civilian fire merit board that shall be composed of four (4) members appointed by the director and two (2) members elected by the active members of the Indianapolis fire department in accordance with IC 36-8-3.5-1. Each member of the merit board shall be a registered voter who resides within the department's jurisdiction as established by section 252-102 of the Code, and no member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. Members of the merit board shall serve for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

An appointed member of the merit board may be removed by the director, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by the director, the director shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief shall be an ex officio member of the merit board without voting power.

(c) Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

(f) The city-county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).

**Sec. 252-202. Merit selection and procedures.**

(a) Any person, including persons seeking reappointment or reinstatement, shall be appointed to the Indianapolis fire department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of their procedure but not the substance of the requirements established by this section. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) Any individual may not submit an application, or be appointed or reappointed as a member of the department unless the individual is at least of the age of twenty-one (21) or above years of age but has not reached his or her thirty-sixth (36<sup>th</sup>) birthday and not over the age of thirty-five (35) having at The individual must have at least a high school education or equivalent is to be eligible to make application to become a member of the department, however, and each applicant must meet minimum fitness/medical standards adopted by the department and continue to meet minimum fitness/medical standards, as a condition of employment, while serving as a member of the department. The department shall develop job-related minimum standards with the assistance of an independent consultant in order to meet applicable federal and state guidelines. All individuals appointed or reappointed to the department must establish residency in Marion County or a contiguous county at the time of such appointment or reappointment. Applicants shall not have been convicted of an offense that is a felony under Indiana law.

Applicants must obtain an application form from the personnel branch and must comply with the following additional requirements:

(1) Applicants must pass a complete physical examination and a psychological examination in accordance with state law. The psychological examination shall be given by an individual approved by the state board of

examiners in psychology or the state board of medical registration. If a written psychological examination is administered, such examination shall be approved by the state board of examiners in mental health or the state board of medical registration, in accordance with psychological examinations approved by the PERF board in consultation with the commissioner of mental health. Applicants may be required to pay up to one-half (1/2) of the costs of the required physical and psychological examinations in accordance with applicable departmental rules.

- (2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for fire work.
- (3) Applicants must pass a job-related agility test.
- (4) Applicants shall have a structured oral interview as established by the fire merit board.

The rules and procedures for the above requirements shall be set by the chief with the approval of the merit board.

(c) The chief, with the approval of the board, shall give a preference for employment to the following, all of which must be validated by the department:

- (1) A person who has served in the military service and has received an honorable discharge from any branch of the service including the Coast Guard (as defined in IC 36-8-4-10); and any participant in the Army PaYS Program;
- (2) A person whose mother or father was a firefighter of a unit, municipal police officer, or county police officer, who died in the line of duty (as defined in IC 5-10-10-2);
- (3) A person who successfully graduated from a City of Indianapolis or Marion County high school; and/or
- (4) A person who is a resident of Marion County as of the date the person submits an application for employment.

~~(e)(d)~~ The personnel branch shall prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination shall constitute no more than fifty (50) percent of the applicant's total eligibility score. Any combination of the preferences described in subsection (c) of this section shall constitute no more than five (5) percent of the applicant's total eligibility score. Prior to the creation of the eligibility list, the personnel branch, with approval of the merit board, shall establish the weight of each of the components of the applicant process.

~~(d)(e)~~ Beginning with the applicant having the highest eligibility score on the eligibility list, the department shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities that would warrant the disqualification of the applicant from appointment to the department shall be forwarded to the chairman of the personnel branch and shall be made a part of the applicant's file. The file shall be presented by the chairman of the personnel branch to the merit board, which shall determine whether such conduct or activities are such as to disqualify the applicant for appointment.

~~(e)(f)~~ Final eligibility lists prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs sooner. A new applicant screening process shall be initiated by the department no later than eighteen (18) months after a final eligibility list is certified by the merit board. The merit board shall establish procedures for the management of the final eligibility lists. Any applicant who, personally or through any other person, solicits any member of the merit board to favor his or her appointment or reinstatement to the department shall be thereby rendered ineligible for any such appointment.

#### **Sec. 252-203. Vacancies; training academy for recruits; probationary period.**

(a) The chief shall appoint as recruit trainees such applicant or applicants as are necessary to fill any vacancies that exist in the Indianapolis fire department. Eighty (80) percent of such vacancies to be appointed at one time by the chief shall be filled by taking the applicant having the highest score on the final eligibility list and proceeding down the list in order. The chief shall fill the remaining twenty (20) percent of the vacancies by selecting any person remaining on the final eligibility list. In making these selections, the chief shall consider candidates who, in the opinion of the chief, are best qualified for appointment based on such considerations as cumulative score on the merit selections procedures, and community and legal obligations of the department and the city. ~~In selecting candidates, consideration shall be given to IC 36-8-4-10.~~ Recruit trainees shall be assigned to the fire training academy for a training course

prescribed by the chief with the approval of the merit board. No recruit trainee shall be assigned to regular active duty until he or she has attended and successfully completed the training course so prescribed. Failure to complete the course successfully shall result in dismissal from the department. After completing the training course, the recruit trainee shall be elevated to the probationary rank of firefighter and shall be assigned to regular active duty. The probationary period shall last for one (1) year of actual service from the date of the recruit trainee's graduation from the training academy. Each firefighter shall be evaluated monthly during this period by his or her immediate supervisor pursuant to the evaluation system provided for in this Code. The appointment of the firefighter becomes permanent when he or she has successfully completed the one-year probationary period.

(b) While an individual is in the status of recruit trainee or probationary firefighter, the chief may terminate or temporarily suspend an individual for cause, without right to any hearing before the merit board.

~~(c) The personnel branch, with the approval of the director, shall be authorized to conduct such recruiting and publicity campaigns in any county of this state as it may determine to be necessary to attract an adequate number of qualified persons to become members of the department.~~

#### **Sec. 252-204. Retirement.**

A member of the Indianapolis fire department shall be required to retire from the department consistent with state and federal guidelines or upon his or her failure to meet minimum medical/fitness standards adopted by the department. Such minimum medical/fitness standards shall be job-related and established with the assistance of an independent consultant to the department.

#### **Sec. 252-205. Rules and regulations of the Indianapolis fire department.**

(a) Within the limits of this Code, the chief, with the approval of the director, shall prescribe, adopt and put into effect such rules and regulations for the governance of the Indianapolis fire department as, from time to time, he or she deems appropriate. Within the limits of this Code, the chief, with the approval of the merit board, shall establish a classification of ranks, grades and positions in the department and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign or reassign any member of the department to serve at any department worksite, within the limits of the Code, and to perform such duties as he or she shall designate, provided such grade and assignment results in no decrease in the firefighter's merit rank, and provided the firefighter's minimum salary is commensurate with his or her merit rank. The chief shall be authorized to make maximum use of civilian employees in any position in the department so as to release firefighters to perform essential departmental functions.

(b) Consistent with the terms of section 252-206 (a), the chief, with the approval of the director, may establish a position classification system and a scale of compensation for the various firefighters in the department. The compensation so fixed shall be based on the rank held by the firefighter and the special technical competence of the job assignment of the firefighter. Any position pay granted to a firefighter shall remain in effect only while such firefighter is in such position. The scale of compensation shall be required to apply uniformly to all firefighters' merit rank and minimum salary commensurate with the rank.

#### **Sec. 252-206. Merit promotion system.**

(a) There shall be a merit promotion system that shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and battalion chief. It shall not apply to the appointment of the chief by the director or to the appointment of assistant chief, deputy chiefs, division chiefs and shift commanders by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the Indianapolis fire department:

- (1) *Private to lieutenant:* To be eligible ~~for~~ to participate in the process for promotion to the rank of lieutenant, an individual must have completed five (5) years of continuous service as a member of the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department. To be eligible for promotion to the rank of lieutenant, an individual must have completed eight (8) years of continuous service as a member of the department, which time period

shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.

- (2) Lieutenant to captain: To be eligible for promotion to the rank of captain, an individual must have ~~served~~ completed three (3) ~~two (2)~~ years in the rank of lieutenant and have completed eleven (11) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.
- (3) Captain to battalion chief: To be eligible for promotion to the rank of battalion chief, an individual must have ~~served~~ completed three (3) ~~two (2)~~ years in the rank of captain and have completed fourteen (14) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if a ~~firefighter officer~~ is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Final eligibility lists prepared as the result of a promotion process shall be in effect for three (3) years or until a new eligibility list for the next process is final, whichever occurs sooner. A new promotion process shall be initiated by the department no later than twenty-four (24) months after a final promotion list is certified by the merit board.

~~(d)~~(e) Promotions shall be made by the chief with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief and the director. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the merit selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

~~(e)~~(f) All promotions to the ranks of lieutenant, captain and battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who, personally or through any other person, solicits any member of the merit board to favor his or her promotion shall be thereby rendered ineligible for any such promotion.

(g) The Chief of Fire may make staff appointments in the suppression division for positions requiring special certifications, skills and/or training. These positions may include, but are not limited to, EMS Duty Officers and Fire Investigators. These appointments shall not be made to circumvent the department's established seniority bidding or merit systems which shall be adhered to in compliance with department general orders and labor agreements.

~~(f)~~(h) ~~There shall be no acting ranks in the suppression division, however, in~~ In instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

(i) Upon a consolidation of a fire department into the Indianapolis fire department pursuant to IC 36-3-1-6.1 that results in the addition of a new battalion, any merit captain who was acting as a battalion commander for the fire department shall be allowed to remain as an acting battalion commander if he or she participates in the next process for promotion to battalion chief and successfully completes all components of that promotion process. If the acting battalion commander chooses not to participate in or does not successfully complete all components of that promotion process, he or she shall immediately vacate the acting battalion commander position. Once a promotion list is certified

by the merit board, an acting battalion commander, who has successfully completed all components of the promotion process, shall immediately vacate that position and return to the merit rank of captain, unless he or she is promoted to battalion chief in the first group of promotions made from the certified promotion list.

**Sec. 252-207. Evaluations.**

The chief, with the approval of the merit board and with the assistance of the personnel branch, shall establish a system for the evaluation of the performance of each member of the department. The personnel branch shall maintain a record of all evaluations of each member under this system.

**Sec. 252-208. Discipline.**

(a) The chief shall have the ultimate authority to discipline all members of the Indianapolis fire department. However, that authority may be delegated by the chief in accordance with provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one (1) or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;
- (6) Conduct unbecoming a firefighter;
- (7) Substandard performance;
- (8) Violation, with the determination by the chief, of any federal, state or local law; and
- (9) Failure to cooperate or be truthful.

(c) ~~An officer~~ A firefighter may be placed on leave with pay for up to thirty (30) calendar days by the chief pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The delegation by the chief of the authority to discipline shall not exceed the following:

- (1) Any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (2) Any division chief may suspend any subordinate firefighter for up to a total of forty-eight (48) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (3) Any battalion chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) Firefighters who are classified by the department as exempt executive, administrative or professional employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(f) A disciplinary board of battalion chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member ~~officers~~ firefighters with the permanent merit rank of battalion chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be impaneled every six (6) months. No battalion chief shall serve as a member of the board in consecutive six-month periods.

- (1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours or any suspension of a firefighter by an assistant chief, the chief shall appoint a firefighter to gather all of the pertinent facts and to investigate the event surrounding the suspension. The results of that investigation shall be reported to the chief, to the disciplinary board and to the chairman of the personnel branch for inclusion in the firefighter's personnel record. The chief, or his or her designee if the chief so determines, may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges. Alternately, the chief, in his or her discretion, may also cause the firefighter to appear directly before the merit board for a hearing.
- (2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five (5) days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in his or her behalf upon forty-eight (48) hours' advance notice to the board. If the firefighter requests that witnesses be subpoenaed, he or she shall provide a list of such witnesses to the board and to the chairman of the personnel branch, who shall prepare and deliver the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter appearing at this hearing, whether as an accused or as a witness, shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the firefighter shall have the right to have legal counsel.
- (3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board, shall, by a majority vote, making a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his or her designee for his determination and shall be made available to the accused firefighter.
- (4) After receiving the findings and recommendations, the chief or his or her designee may, with or without hearings, either concur with the disciplinary board or may reverse the board in full or in part. After making his or her determination, the chief or his or her designee may:
  - a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
  - b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;
  - c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
  - d. Reprimand the firefighter verbally or in writing;
  - e. Reinstate with pay any firefighter who has been previously suspended without pay.
- (5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. A copy of all of these findings of fact and recommendations as well as the chief's determination shall also be referred to the director within ~~fifteen (15)~~ fourteen (14) days.
- (g) Appeals to the merit board shall be handled in the following manner:
  - (1) Any member of the department may appeal the following determinations to the fire merit board within thirty (30) calendar days of such determination:



- a. That portion of any suspension without pay exceeding eighty (80) working hours;
  - b. Any demotion in rank.
- (2) The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of battalion chiefs if such disciplinary board is convened, the written charges and the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the aggrieved firefighter, or presented by the chief.
- (3) Any firefighter appealing any decision of the chief shall be given notice at least ~~fifteen (15)~~ fourteen (14) calendar days prior to the hearing before the merit board.
- (4) The appealing firefighter may be represented by legal counsel before the merit board, and the chief shall be represented by the corporation counsel or his or her designee.
- (5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination that is appealable. In the case of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one (1) time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the chief.
- (6) After hearing the evidence, the merit board shall make a finding by majority voice and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the firefighter in question and to the director and shall become a permanent part of the firefighter's personnel record.
- (h) For the purpose of all hearings before the chief, the disciplinary board of battalion chiefs, and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.
- (i) ~~Any member of the department~~ Either party may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review shall be filed within thirty (30) days of the written decision of the merit board. ~~The consolidated city shall be the sole defendant in the petition. Within thirty (30) calendar days after receipt of the summons the filing of the petition for review, the city petitioner shall file a true and correct copy of the transcript of the hearing, and the board's written findings with the court. Upon request, the board shall prepare the transcript for the petitioner. The board shall charge the petitioner the reasonable cost of preparing the transcript for transmittal to the court. An extension of time in which to file the transcript shall be granted by the court for good cause shown. Inability to obtain the transcript from the board within the time permitted by this section is good cause. Failure to file the transcript within the time permitted by this subsection, including any extension period ordered by the court, is cause for dismissal of the petition for review by the court, on its own motion, or on petition by the City of Indianapolis.~~ The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing firefighter. Either party may appeal the decision of the court.

SECTION 2. Section 252-307 of the "Revised Code of the Consolidated City and County," regarding Firefighter Death Leave, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 252-307. Death leave.**

(a) *Firefighters in non-suppression division.* Upon the death of a parent, child or spouse, an active firefighter assigned to the non-suppression division will receive a maximum of five (5) ~~eight (8)~~-hour duty days leave with pay. Upon the death of ~~member of the immediate family (consisting of a spouse, mother, father, son, daughter, a brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter, or other relative who was residing with the firefighter), a firefighter will receive a maximum of three (3) working days leave with pay. The chief has discretion to grant three (3) eight (8)-hour duty days for leave to be charged against any earned leave time for a death of someone other than those listed above.~~

(b) *Firefighters in suppression division.*

- (1) Upon the death of a parent, child or spouse, an active firefighter assigned to the suppression division will receive a maximum of two (2) twenty-four-hour duty days off with pay.
- (2) Upon the death of a brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandson, granddaughter, or other relative who was residing with the firefighter, a firefighter assigned to the suppression division shall receive a maximum of one (1) twenty-four-hour duty day off with pay. The chief has the discretion to grant one (1) day for leave to be charged against any earned leave time for a death of someone other than those listed above.

(c) *General.* Documentation of the death, such as a death certificate or article, may be required from the firefighter. Additional time off to be charged to earned leave time if available, or without pay, may be granted at the discretion of the chief.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 179, 2015. Councillor Barth reported that the Community Affairs and Education Committee heard Proposal No. 179, 2015 on July 15, 2015. The proposal, sponsored by Councillors Adamson, Barth and Hickman, amends Sec. 531-401 of the Revised Code regarding general requirements for animal care and treatment. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Miller applauded Councillor Adamson for this proposal and said that it is a long time coming. While the administration felt it was too strict, he feels more restrictions even are needed.

Councillor Hickman said that this can also be used to educate citizens on the proper treatment of animals.

Councillor Barth moved, seconded by Councillor Adamson, for adoption. Proposal No. 179, 2015 was adopted on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*1 NOT VOTING: McQuillen*

Proposal No. 179, 2015 was retitled GENERAL ORDINANCE NO. 47, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend Sec. 531-401 of the Revised Code of the Consolidated City and County regarding general requirements for animal care and treatment and Sec. 531-731 of the Revised Code regarding disposition of owner-surrendered animals and impounded animals not claimed by owners.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 531-401 of the "Revised Code of the Consolidated City and County" regarding Animals, is hereby amended by the deletion of the language that is stricken through, and by the addition of the language that is underlined to read as follows:

**Sec. 531-401. General requirements for animal care and treatment.**

(a) Every owner or keeper of an animal kept in the consolidated city and county shall see that such animal:

- (1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
- (2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- ~~(3) Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, or by any rope, chain or cord directly attached to the animal's neck, or by a leash less than twelve (12) feet in length, or by any tether or leash without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely;~~
- ~~(4)~~ (3) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
- ~~(5)~~ (4) Shall provide the reasonably necessary medical care according to commonly accepted veterinary standards, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and
- ~~(6)~~ (5) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city department of public safety and in effect from time to time.

(b) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of subsection (a) of this section.

c) It shall be unlawful to tether any animal by use of a choke collar, or on any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than twelve (12) feet in length, or by any tether or leash without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely;

~~(d)~~ (d) It shall be unlawful for any animal to be tethered between the hours of 11:00 p.m. and 6:00 a.m.; or to tether any un-sterilized dog for any period of time unless it is monitored by a competent adult for the duration of such tethering the dog is in visual range of a competent adult who is outside with the dog; or to tether or confine an animal at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering or confinement.

(e) In addition to the general requirements for animal care and treatment in this article, every owner or keeper of a dog kept in the consolidated city and county shall see that such dog when confined outside:

- (1) Has access to a shelter constructed of solid wood or other weatherresistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold. During winter and any day when the temperature

is at or below 40°F, the shelter must be just large enough for the dog to stand up and turn around, the entrance covered by a flexible wind-proofing material or self-closing door, and must contain clean, dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the dog to burrow. On any day when the temperature is at or above 80°F, the shelter must be shaded by trees, a tarp, or a tarp-like device.

- (2) Must be brought into a temperature controlled facility when the temperature is at or below 20°F or at or above 90°F, or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog in visual range of a competent adult who is outside with the dog.
- (3) Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty square feet of space for exercise must be added per dog.
- (4) Is treated so that there are no open lesions on the dog's skin due to insect bites or other parasitic infections.
- (5) Shall not be tethered except when all of the following conditions are met:

(i) The tether is not attached to a motorized vehicle, such as an automobile, truck, or motorcycle;

~~(ii)~~ (ii) The dog is at least 6 months of age and is not sick or injured;

~~(iii)~~ (iii) The tethered dog has access to water, shelter, and dry ground. If there are multiple tethered dogs, each dog must be tethered separately in a manner that prevents the tethers from becoming entangled with each other or any other object, and each dog must have separate water and shelter;

~~(iv)~~ (iv) The tether is attached to the dog by a properly fitting buckle-type collar, or a collar that will not break under pressure, with a rotating toggle or attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck;

(v) The tether is not of such unreasonable weight as to prevent the dog from moving about freely, is free of tangles, cannot be entangled with another animal or object, and is at least twelve (12) feet in length.

(vi) If the dog is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.

~~(vii)~~ (vii) The tether is located so as not to allow the dog to trespass on public or private property nor in such a manner as to cause harm or danger to persons or other animals.

~~(f)~~ (f) In the discretion of the enforcement authority, as that term is defined in section 531-711 of this Code, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of this section.

~~(g)~~ (g) A person who violates any provision of this section shall be punishable as provided in Section 103-3 of this Code; provided, however, the fines imposed for any such violation shall be as follows:

- (1) For the first violation, not less than twenty-five (\$25.00); and
- (2) For the second or subsequent violations, not less than two hundred dollars (\$200.00), and the court upon request shall order forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the city or any third party shall include as a part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

(h) For purposes of this section, the following terms have the following meanings:

- (1) "Confined Outside" means confined outside the house, mobile home, or apartment where the owner is living. Confined outside would include in the yard, or in a garage, shed, or barn without heating or air-

August 17, 2015

conditioning. Access to a garage, shed, or barn maintained between 40°F and 80°F would not be considered confined outside.

(2) Temperature Controlled Facility” means a building maintained between 40°F and 80°F.

SECTION 2. Section 531-731 of the “Revised Code of the Consolidated City and County” regarding Animals, is hereby amended by the deletion of the language that is stricken through, and by the addition of the language that is underlined to read as follows:

**Sec. 531-731. - Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.**

a) An animal surrendered by its owner to the animal care and control division and not reclaimed by its owner, adopted, or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. ~~No owner-surrendered animal~~ No healthy, behaviorally sound, adoptable owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 213, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 213, 2015 on July 27, 2015. The proposal, sponsored by Councillor Lewis, approves expenditures from the community revitalization enhancement district's (CRED) industrial development fund in the amount of \$80,000 to be used by the Lafayette Square Coalition, Inc. (dba International Marketplace Coalition) and Keep Indianapolis Beautiful, Inc. for use within the Lafayette Square CRED. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 213, 2015 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday,  
Hunter, Jackson, Lewis, Lutz, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili,  
Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew  
0 NAYS:  
2 NOT VOTING: Mansfield, McQuillen

Proposal No. 213, 2015 was retitled GENERAL RESOLUTION NO. 12, 2015, and reads as follows:

#### CITY-COUNTY GENERAL RESOLUTION NO. 12, 2015

PROPOSAL FOR A GENERAL RESOLUTION to approve expenditures from the community revitalization enhancement district's industrial development fund, established pursuant to IC 36-7-13-4, for use within the Lafayette Square Community Revitalization Enhancement District (CRED) a/k/a International Marketplace.

WHEREAS, a Community Revitalization Enhancement District (hereinafter referred to as “CRED”) was created, pursuant to IC 36-7-13, *et seq.*, (hereinafter referred to as the “Act”) in a section of the City of Indianapolis (“City”) commonly known as Lafayette Square; and

WHEREAS, in accordance with the Act, a CRED industrial development fund (hereinafter referred to as the “CRED Fund”) was established which annually receives a portion of: (a) state and local income taxes paid by employees in the CRED; and (b) state retail and use taxes generated by businesses within the CRED; and

WHEREAS, an Advisory Commission on Industrial Development (hereinafter referred to as the “CRED Commission”) has been appointed by the City’s Mayor, pursuant to Section 5 of the Act, to coordinate the efforts of the City and the private sector with regard to redevelopment of the CRED; and

WHEREAS, the City previously commissioned a study and a drafted a plan that indicated that projects were needed to attract visitors and customers from around the region to support the small business within the CRED District; and

WHEREAS, to address problems found in the study, the Act allows CRED funds to be used for site improvements; and

WHEREAS, the CRED Commission has determined that Keep Indianapolis Beautiful, Inc. (“KIB”) is capable of providing beautification, landscaping, and mural projects that will meet that need; and

WHEREAS, the Act also allows CRED Funds to be used to cover administrative expenses associated with such projects performed by Lafayette Square Area Coalition, Inc. dba International Marketplace Coalition, non-profit corporation working to revitalize the International Marketplace neighborhood; and

WHEREAS, the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as “Council”) is empowered by the Act to make certain expenditures from the CRED Fund as long as a majority of the members of the CRED Commission have provided the Council with written approval of such expenditures; and

WHEREAS, on June 24, 2015, a majority of the members of the CRED Commission adopted and approved certain expenditures from the CRED Fund, totaling \$80,000.00, for activities authorized by the Act, as reflected in two (2) CRED Commission resolutions attached hereto (collectively hereinafter referred to as the “CRED Commission Resolutions”); now therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves expenditures from the CRED Fund in the amount of \$50,000 to KIB for beautification, landscaping, and mural projects and \$30,000 to the Lafayette Square Coalition, Inc. dba International Marketplace Coalition for administrative costs, totaling \$80,000.00, to pay for these CRED redevelopment activities authorized by the Act, as specified in the CRED Commission Resolutions.

SECTION 2. The Council hereby authorizes the City’s Department of Metropolitan Development and its Director to take such further actions and execute such documents as deemed necessary or advisable to effectuate the expenditure approval set forth in SECTION 1 of this Resolution in furtherance of redevelopment of the CRED.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 214, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 214, 2015 on July 27, 2015. The proposal, sponsored by Councillor Holliday, approves the statement of benefits for Exploration Center I, LLC and Republic Airways Holdings, Inc., an applicant for tax abatement for property located in an economic revitalization area. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Jackson asked where this revitalization area is located. Councillor Holliday said that it is in the Ameriplex Industrial Park in his district.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 214, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 214, 2015 was retitled GENERAL RESOLUTION NO. 13, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2015

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of **Exploration Center I, LLC and Republic Airways Holdings, Inc.** (collectively hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a real property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves the Statement of Benefits that was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Exploration Center I, LLC and Republic Airways Holdings, Inc.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 215, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 215, 2015 on July 27, 2015. The proposal, sponsored by Councillor McQuillen, approves the statement of benefits for Aerodyn Engineering, Inc. and Aerodyn Real Estate, LLC, an applicant for tax abatement for property located in an

economic revitalization area. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lutz said that this project is located in his district, but he is not a sponsor. He said that he is not necessarily opposed to the project, but he got a note on Wednesday to look at it and make a decision in a very short time before the introduction deadline. This is simply a pet peeve of his, and he is tired of the administration not getting information to them in a timely fashion to make an informed decision, and therefore, he will register his frustration with a vote in opposition.

Councillor Robinson asked the sponsor of the proposal, Councillor McQuillen, how he feels about the district Councillor's opposition in this matter. Councillor McQuillen said that he respects Councillor Lutz's opinion to support it or not support it, and is sure he has weighed the project on its merits as he has. Councillor Lutz said that he has discussed this with Councillor McQuillen, and he knows how he feels. He also respects Councillor McQuillen's opinion, and does not necessarily think the project is bad, but until the Department of Metropolitan Development starts giving Councillors information in a timely fashion, he will not support their initiatives. He said that he hates putting Aerodyn in the crosshairs, but his vote is purely a matter of principle.

Councillor Gray said that he will support the district Councillor.

Councillor Adamson said that Councillor Lutz's points are well taken, as he stands with him on this issue regarding the timeliness of information from the administration, but he does not think they should hold up good policy because of bad procedure. He said that the committee vetted this proposal, and it is a solid project.

Councillor Robinson said that he supports the district Councillor and would support a motion to return the proposal to committee. Councillor Lutz said that he does not want to hold up the issue and believes it is time sensitive. He said that his vote is simply his way of voicing his irritation with the city and the timeliness of their information. He said that he does not want to put Aerodyn in the crosshairs.

Councillor Simpson asked if this proposal is time sensitive. Ryan Hunt, Department of Metropolitan Development (DMD), said that they had planned to start the project this month, and a delay would put that start time back to the end of September. He said that the timeliness of the information was not Aerodyn's fault, and they get requests in and have to evaluate them very quickly. Councillor Simpson said that a construction delay would not necessarily impact the project. Mr. Hunt said a delay would hurt them, and would cause a delay in installation and hiring, as well.

Councillor Lutz said that this is a simple protest vote. This company employs people in this community, pays its employees well and is a good corporate citizen. He said that his irritation is not with the company or this project, but with DMD for waiting to the last minute. He is hoping that his stance will make a point and keep them from doing it in the future. He added, however, that he does not want his vote to be at the expense of Aerodyn and any potential employees.

Councillor Mansfield said that she hopes this message is heard by the administration as a whole, and not just DMD. She said that getting information at the last minute and expecting the Council to rubber-stamp it will not fly. She said that sometimes they do not even find out until after the



fact, and projects fall through for which Councillors may have been able to help secure additional funding through other means.

Councillor Hickman asked why the information was sent so late. Mr. Hunt said that he objects to the characterization that they are always late with information, but there was a delay in this instance, and he apologized to Councillor Lutz for that.

Councillor Miller said that he received information on an abatement in his district on time, but he understands this happens frequently and it is frustrating and hard to make informed decisions when this happens. He said that he hopes the administration is hearing this plea.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 215, 2015 was adopted on the following roll call vote; viz:

*25 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lewis, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*4 NAYS: Gray, Jackson, Lutz, Oliver*

Proposal No. 215, 2015 was retitled GENERAL RESOLUTION NO. 14, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 2015

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Aerodyn Engineering, Inc. and Aerodyn Real Estate, LLC (hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a real property and a personal property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves the Statements of Benefits that was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Aerodyn Engineering, Inc. and Aerodyn Real Estate, LLC.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 221-226, 2015 on July 23, 2015. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 221, 2015. The proposal, sponsored by Councillor Clay, authorizes intersection controls at Granner and Kellum Drive (District 11). PROPOSAL NO. 222, 2015. The proposal, sponsored by Councillor Lewis, authorizes intersection controls at Beaconsfield Lane and Shepperton Boulevard (District 7). PROPOSAL NO. 223, 2015. The proposal, sponsored by Councillor Osili, authorizes a one-way street designation at Washington and Pennsylvania Streets (District 15). PROPOSAL NO. 224, 2015. The proposal, sponsored by Councillor Osili, authorizes parking restrictions at Washington and East Streets (District 15). PROPOSAL NO. 225, 2015. The proposal, sponsored by Councillor Osili, authorizes parking restrictions on New Jersey Street between New York and Vermont Streets (District 15). PROPOSAL NO. 226, 2015. The proposal, sponsored by Councillors Barth and Simpson, authorizes intersection controls at 39th and Broadway Streets (District 9). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Gray, for adoption. Proposal Nos. 221-226, 2015 were adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 221, 2015 was retitled GENERAL ORDINANCE NO. 48, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2015

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
44	Granner Drive Kellum Drive	Kellum Drive	Stop

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

August 17, 2015

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
44	Granner Drive Kellum Drive	None	All Way

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 222, 2015 was retitled GENERAL ORDINANCE NO. 49, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2015

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
17	Beaconsfield Lane Shepperton Boulevard	Shepperton Boulevard	Stop
17	Kilburn Court Shepperton Boulevard	Shepperton Boulevard	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 223, 2015 was retitled GENERAL ORDINANCE NO. 50, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 2015

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-342, One-way streets and alleys designated, be, and the same is hereby amended by the deletion of the following, to wit:

WESTBOUND

*Court Street*, from Delaware Street to Illinois Street;

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-342, One-way streets and alleys designated, be, and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

*Court Street*, from Pennsylvania Street to Illinois Street;

EASTBOUND

*Court Street*, from Pennsylvania Street to Delaware Street;

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 224, 2015 was retitled GENERAL ORDINANCE NO. 51, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 2015

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

*Washington Street*, on the north side, from East Street to a point 160 feet west of East Street;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected,

August 17, 2015

if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 225, 2015 was retitled GENERAL ORDINANCE NO. 52, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 2015

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-124, Parking prohibited during specified hours on certain days.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-124, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS**

*From 7:00 am to 6:00 pm*

*New Jersey Street, on the west side, from New York Street to Vermont Street;*

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 226, 2015 was retitled GENERAL ORDINANCE NO. 53, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 2015

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
18	39 <sup>th</sup> Street	Broadway Street	Stop
	Broadway Street		

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
18	39 <sup>th</sup> Street Broadway Street	None	All Way

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

PROPOSAL NO. 227, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 227, 2015 on July 23, 2015. The proposal, sponsored by Councillors Adamson and Scales, facilitates the removal of illegally parked Blue Indy cars on Washington Street. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Adamson said that since the committee hearing, Blue Indy has reached out to the committee and have agreed to look at the franchise agreement in the proper process. He moved, seconded by Councillor McQuillen, to postpone Proposal No. 227, 2015 until September 14, 2015.

Councillor Simpson asked if this will insure discussion on charging station locations and how to get relief for some homeowners with parking spaces taken up that they need. Councillor Adamson said that there will be a great deal of conversation, including this topic.

Councillor Freeman said that he reluctantly supports the motion to postpone, but it will be hard to ultimately convince him this is a good program. He said that the cars do not even fit inside the painted lines on the street, and these unilateral decisions do not sit well with him.

Councillor Miller said that he is a fan of Blue Indy, but this is not their fault. They were told the locations had been approved. He said that he is disappointed in the lack of procedure, and communication has to be improved.

Councillor Mansfield said that they need to go back and address the stations already in place, as well as new locations going forward. She said that some of these stations are taking parking away from family-owned businesses that will ultimately damage their business.

Proposal No. 227, 2015 was postponed on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew  
1 NAY: Gray

Councillor Gray asked for consent to explain his vote. Consent was given. Councillor Gray said that he voted against the proposal because they should have just voted on it and done away with it.

PROPOSAL NO. 228, 2015. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 228, 2015 on August 11, 2015. The proposal, sponsored by Councillor Tew, amends the Code by adding a new Sec. 451-4 regarding the reporting of lost or stolen firearms. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Tew moved, seconded by Councillor Robinson, to return the proposal to committee. Proposal No. 228, 2015 was returned to committee on the following roll call vote; viz:

22 YEAS: Adamson, Barth, Cain, Clay, Freeman, Gooden, Gray, Hickman, Hunter, Jackson, Lewis, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson, Tew  
7 NAYS: Evans, Holliday, Lutz, McHenry, McQuillen, Sandlin, Shreve

### NEW BUSINESS

President Lewis wished Councillor Moriarty Adams a happy birthday.

### ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Vincent Boone Alig, F. Allen Tew, Jr., Sam Carson, Gilbert "Gil" Holmes, and Mary Dee Mance and
- (2) Councillor Lewis in memory of Hubert Robinson, Sr., Ondra "Tracie" Wells, Clara Alexander and John Walton and
- (3) Councillors Lewis and Robinson in memory of Juanita Singleton and
- (4) Councillor Adamson in memory of Florence "Cathy" Rogers; and
- (5) Councillors McQuillen, Cain, Pfisterer and Moriarty Adams in memory of George F. Callahan, Jr.; and
- (6) Councillor McQuillen in memory of Joseph Zarick, Suzanne Moseby and Cleo B. Barnett; and
- (7) Councillors Pfisterer, Moriarty Adams, Hunter and Sandlin in memory of James M. Gavaghan, James Long, Bryan Short, Joe Kimbrew, Clara Williams, Robert McCauley and Jack Lyday.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Vincent Boone Alig, F. Allen Tew, Jr., Sam Carson, Gilbert "Gil" Holmes, Mary Dee Mance, Hubert Robinson, Sr., Ondra "Tracie" Wells, Clara Alexander, John Walton, Juanita Singleton, Florence "Cathy" Rogers, George F. Callahan, Jr., Joseph Zarick, Suzanne Moseby, Cleo B. Barnett, James M. Gavaghan, James Long, Bryan Short, Joe Kimbrew, Clara Williams, Robert McCauley and Jack Lyday. He respectfully asked the support of fellow Councillors. He further requested that the

motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:43 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of August, 2015.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

  
President

ATTEST:

  
Clerk of the Council

(SEAL)